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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

CHAD BURTON HILL,

Plaintiff,

-vs-

DAVID WENDT, PAUL BURT, TED
CALDWELL, FLYING J RANCH, LLP,
BEAVERHEAD COUNTY, and DOES
1-10,

Defendants.

CV-23-34-DWM

DEFENDANTS FLYING J RANCH,
LLP, TED CALDWELL, AND PAUL
BURT'S RESPONSES TO
PLAINTIFFS' FIRST DISCOVERY
REQUESTS

Defendants Flying J Ranch, LLP, Ted Caldwell, and Paul Burt (hereafter
"Flying J Defendants") submit the following responses to Discovery Requests
served by Plaintiffs dated March 8, 2024.¹ These responses are provided pursuant to

¹ Despite the Certificate of Service on the Discovery Requests stating they were
emailed to the undersigned counsel on March 8, 2024, they were not, and service
was therefore not completed.

INTERROGATORY NO. 6: Please describe the nature of Defendants Paul Burt and Ted Caldwell's relationship with Defendant David Wendt, including, but not limited to, the frequency of communication and the dates and nature of any personal and professional interactions and conversations that relate to Plaintiffs, Plaintiffs' home, Plaintiffs' business endeavors, or Plaintiffs' personal endeavors.

ANSWER: Paul Burt and Ted Caldwell are acquainted with Mr. Wendt from the time he briefly lived with his brother-in-law in the spring of 2019. Mr. Burt believes he had one interaction with Mr. Wendt while in the neighborhood, during which Plaintiffs' marijuana business was briefly discussed. Mr. Caldwell has made reports to Mr. Wendt about Chad Hill's aggressive behavior which is reflected in the text messages produced with these discovery responses and Bates stamped Flying J Ranch 0077-0091.

INTERROGATORY NO. 7: Please describe any verbal contracts, agreements, and/or conversations had between Defendants Paul Burt and Ted Caldwell and Plaintiffs regarding Plaintiffs' home on Kezia Lane, the Homeowners Agreement, and/or Plaintiffs' business endeavors.

ANSWER:

In August 2017, there was a conference call homeowner meeting between Burt, Caldwell and Hill. This is reflected in the documents produced herewith and Bates stamped Flying J Ranch 0158-0164.

After the August 2017 meeting, there was a verbal agreement for Mr. Burt and Mr. Caldwell to replace a fence, which was completed.

After the meeting in August 2017, Chad Hill came out of the house on several occasions and would yell at Mr. Burt and Mr. Caldwell about the lawsuit that involved the enforcement of covenants. Mr. Hill has cursed and yelled at Mr. Burt and Mr. Caldwell and their families, but they have tried to ignore Mr. Hill. Some of these statements are reflected in the text messages Bates stamped Flying J Ranch 0077-0091.

In the spring of 2020, Mr. Caldwell talked to Chad Hill and discussed a possible settlement of the lawsuit filed to enforce the declarations in the subdivision. However, the parties did not agree to the terms in writing, and Flying J Defendants understand that no one ever signed the proposed settlement agreement. That lawsuit then proceeded to a bench trial.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please produce full and complete copies of any and all contracts between Defendants Flying J Ranch, LLP, Paul Burt, Ted Caldwell, and Plaintiffs from January 1, 2018, to January 1, 2023.

RESPONSE: Flying J Defendants did not have a signed contract with Plaintiffs. An unexecuted settlement agreement is attached to these responses and Bates stamped Flying J Ranch 0165-0169.

INTERROGATORY NO. 8: If any response to the above Requests for Admission is anything other than an unqualified admission, please describe in detail all facts and documents that support your denial or qualification and identify all persons with knowledge of the facts supporting your denial or qualification.

ANSWER: See specific responses.

DATED this 7th day May, 2024.



Nicholas J. Pagnotta

Peter B. Ivins

*Attorneys for Defendants Paul Burt,
Ted Caldwell, and Flying J Ranch, LLP*

VERIFICATION

I have reviewed the foregoing Answers to Plaintiffs' First Discovery Requests this _____ day of _____, 2024, and declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

TED CALDWELL

I have reviewed the foregoing Answers to Plaintiffs' First Discovery Requests this _____ day of _____, 2024, and declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

PAUL BURT

CERTIFICATE OF SERVICE

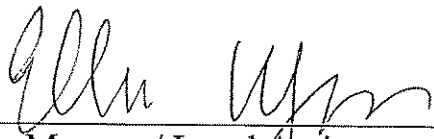
I hereby certify that on the 7th day of May, 2024, a copy of the foregoing was served upon the following by CM/ECF, U.S. Mail, Express Mail, E-Mail, Hand-Delivery, Fax, or Federal Express:

Chad Hill
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☒ U.S. Mail
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☐ Fax
☐ Federal Express



Ellen Morgan / Legal Assistant

10:40

0.00
KB/S

5G



90%

**Chad Hill**

+1 208-351-7036 Idaho



7/20/21, 8:57PM

Ted, you have ruined me financially and it is time to for you to reimburse me. Are you prepared to pay me back? Are you prepared to pay for the mess your mercurial partner got you in to? Why did you flee like a coward when I asked you?



Message



10:55

  3.00 KB/S  88% **Chad Hill**

+1 208-351-7036 Idaho



Utah where extremism is more accepted.

12/16/22, 8:00AM

Perjury Paul must need some work done on the "ranch" huh?

You boys keep that place well maintained for me, thanks! I'll bet you are starting wish you listened to your "partner" a little less than you have in the past.

It must suck to be a follower.

Have a great day doing Paul's work for him and allowing him more time to get his story straight !!!! 🤔😂🙏

1/1/23, 10:35AM

Welcome to the year of accountability! The light of truth that you have trying to suffocate for 5 years is going to illuminate your egregious actions for all to see!

Aug 26, 1:12PM

Oh man I really think you fooled the judge with the "association of owners" and "family business" BS !!!!!!! 😂😐🤔😐😂😐🤔😐😂😐

Aug 26, 1:23PM

Have a nice day, good neighbor.



Message



10:57

  0.00 KB/S **5G**  88% **David Wendt Deputy**

+1 406-660-7372 Montana



7/22/21, 12:46PM

Can you screen shot those text messages and send them to me please. Or email at dwendt3@aol.com

8/31/22, 5:32PM

Hi David, this is Ted Caldwell, again this evening Chad Hill yelled at me from his yard saying "are you a f... Ing idiot, can't you read you f... Ing idiot, as well as other things laced with vulgarities. It has happened several times, one time when Will Decker was with me. I just ignore him but it's offensive and if I had grandkids around to hear his raving on I would be very unhappy. I'm just letting you know because I may need to take action in the future, I'm not sure what that would be. Thanks.

Sent

8/31/22, 5:59PM

I'll make up an incident and write a report on it so there is a record of it

8/31/22, 6:00PM

Thanks

Sent

8/31/22, 6:00PM



Message



10:57

**David Wendt Deputy**

+1 406-660-7372 Montana



8/31/22, 6:00PM

Do you have an active court case against him?

8/31/22, 6:02PM

There is an active process but he was given 6 months to do something, I can't remember and that was two or three months ago.

Sent

8/31/22, 6:12PM

Ok I'll add that to the report

9/13/22, 1:09PM

Hi David, the name is Foxley Minor Subdivision and the judge is Luke Berger, I think that is how it is spelled. Thanks, Ted

Sent

9/13/22, 2:02PM

Got it thanks

May 22, 5:53PM

Hi Dave, just letting you know that Chad Hill came out of his house yelling at Paul and me, calling us MFers, saying he is going to take everything we have. I just told him, have a nice day. I wanted you to know, thanks, Ted Caldwell



Message



10:58

  3.00 KB/S  88% **David Wendt Deputy**

+1 406-660-7372 Montana



May 22, 5:53PM

Hi Dave, just letting you know that Chad Hill came out of his house yelling at Paul and me, calling us MFers, saying he is going to take everything we have. I just told him, have a nice day. I wanted you to know, thanks, Ted Caldwell

Sent

May 22, 5:54PM

Ok I'll write up a report on it so that there is a record

Apr 18, 11:33AM

Once again, yesterday morning when I was packing up my truck to head back to Utah, Chad Hill came out hollering "you f___ing idiot, you and your partner and that f___ing little David are going to get yours". I just told him a couple of times to have a nice day and ignored him. Some times I wonder if, one day, he will go completely off the rails.

Sent

Apr 18, 11:40AM

Ok I'll make an incident on it

Do want him cited or just to note it

Apr 18, 11:50AM



Message



10:58

**David Wendt Deputy**

+1 406-660-7372 Montana



Apr 18, 11:33AM

Once again, yesterday morning when I was packing up my truck to head back to Utah, Chad Hill came out hollering "you f___ing idiot, you and your partner and that f___ing little David are going to get yours". I just told him a couple of times to have a nice day and ignored him. Some times I wonder if, one day, he will go completely off the rails.

Sent

Apr 18, 11:40AM

Ok I'll make an incident on it

Do want him cited or just to note it

Apr 18, 11:58AM

Just noted for now. Thanks.

Sent

Apr 18, 12:03PM

I will have an officer call you!!

Apr 18, 12:15PM

Officer Feathers's will contact you



Message

